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Subject: Online Submission

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MR MICHAEL WRIGHT
344 SAILORS BAY RD
NORTHBRIDGE NSW 2063
michaelwright143@hotmail.com

RE: DA2020/0514 - 1 B Bolingbroke Parade FAIRLIGHT NSW 2094

I choose to make a submission relating to the above DA.

I am not a resident of the Northern Beaches L.G.A. but I have been visiting Manly for over 6 decades; as a swimmer at my nearest surf beach; as a meeting point for friends and family; as an avid walker enjoying the scenic and natural environment of harbour and ocean foreshores; and as a habitué at various food and drink establishments in the district.

I am familiar with the area (the Fairlight Walk) the subject of the application before Council.

The walk from Spit bridge/Clontarf is a nationally renowned nature walk that allows members of the public and tourists alike to experience the natural environment in all its botanical, scenic and maritime aspects. The Wellings Reserve to Esplanade Park part of the walk is especially outstanding, with native vegetation and natural elements at the shoreline, available for public enjoyment.

It is acknowledged that the existing boatshed, with its storage, equipment and associated moorings has provided a needed amenity to those enjoying maritime pastimes over many years.

I assume that the land between the walk and the low water line is Crown land, or vested in, or under management of the Council. Whether the land has been proclaimed or not, any dealings with the land should follow the principles enunciated for Foreshore Scenic Protection, within the MDCP clause 5.4.1, which states, inter alia -

Development in the Foreshore Scenic Protection Area must not detrimentally effect the 'visual or aesthetic amenity of land in the foreshore scenic area nor must the development similarly effect the views of that land, including ridgelines, tree lines and other natural features viewed from the Harbour or Ocean from any road, park or land in the LEP for any open space purpose or any other public place. Any adverse impacts considered in this paragraph will be mitigated. In accordance with these LEP objectives Council seeks to conserve and preserve tree canopies and street trees, wildlife corridors and habitat and minimise cumulative impacts on escarpment, rock shelves and other natural landscape features.

Looking at the proposal made to Council, several striking things arise, namely the scope and nature of the built "alterations and additions" and the re-purposing of an increased area of public land. The scope of the expansion of the built form, including the roof area, and the radical change of use of the facility are all factors relevant under cl 36 of Schedule 3 of the EPA Regulation to the application made in the DA under cl 35 for exemption from the designated development process. Cl 36 also requires consideration of many other matters, including the scenic quality and special features of the land and surrounding locality.

I will leave it to others more familiar to comment on the history of land use, including the number and nature of all past changes as required by cl 36(a)(iii), and the impact on vegetation, and biodiversity, of the proposals. However, the proposal to materially expand private, commercial use of public land and public waterway to some 2.5 times the existing use seems unlikely to be properly described as alteration and additions under cl 35, and also to be disproportionate to the needs of the local boating community, who are undoubtedly served by having a local marina at which to moor and/or house their craft.

The most perplexing aspect to the DA is the apparent application to have an expanded catering facility at the site. I think from some available documents the patronage of up to 70 persons at a time is contemplated, and operating hours of 7 am to 10 pm, if I am not mistaken.

The applicant insists on calling this expanded facility a "kiosk". The meaning of kiosk is fairly clear - it is a small, light structure for the sale of newspapers, cigarettes, etc; or a building such as at a railway station, hospital or park for the sale of light refreshments (food or drink, or a "light meal", which expression is unlikely to encompass breakfast, lunch or dinner).

On the other hand, an establishment that countenances 70 attendees at a time between the hours of 7 am and 10 pm would be in reality be a café or restaurant (café - a small restaurant selling light meals and drinks). The nature and parameters of this proposal can be compared with some existing eateries around north of the harbour Sydney - most of which advertise (current) limited trading hours (The Boathouse, Shelly Beach 7 am - 3 pm; The Boathouse, Balmoral 7 am - 3 pm; Ripples, Little Manly 8 am - 3pm) but which have had later hours pre-COVID 19.

I oppose this proposal and urge the applicant to consider a more contained scheme based on the existing footprint , and with a small kiosk with seating entirely indoors.

Yours Sincerely
Michael Wright